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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

GARY PIERCE, Chairman  
BOB STUMP  
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AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

OCT 20 2011

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*[Signature]*

In the matter of:

DAVID SHOREY AND MARY JANE  
SHOREY, husband and wife,

WESTCAP ENERGY INC., an Arizona  
corporation, d/b/a Westcap Solar,

Respondents.

DOCKET NO. S-20790A-11-0104

**RESPONSE TO RESPONDENTS' MOTION  
TO ACCELERATE HEARING DUE TO  
CONFLICT**

On August 3, 2011, by procedural order, this matter was scheduled for a final evidentiary hearing on December 5, 6, 7, and 8, 2011, and should begin as currently scheduled for the following reasons. First, counsel for the Division is scheduled for a criminal trial in the Maricopa County Superior Court beginning, November 15, 2011, and continuing up to Friday, December 2, 2011, thus counsel for the Division is not available on a date just prior to December 5, 2011. Second, counsel for the Respondents is still available to appear on December 5 and 6, 2011, since he is not out of town until the 7th. If the hearing can not be completed by December 6, 2011, additional hearing day(s) can be scheduled at that point by the parties. Finally, the parties have not exchanged their respective lists of witnesses and exhibits ("LWE") because the deadline was set for November 1, 2011. The parties should be allowed sufficient time to assess and review the LWE before the commencement of the hearing. Thus, to accommodate counsel for the Respondents, the hearing should begin as scheduled with additional hearing days re-scheduled as needed.

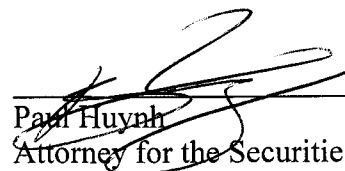
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1 RESPECTFULLY SUBMITTED this 20<sup>th</sup> day of October, 2011.

2  
3 By:

  
Paul Huynh  
Attorney for the Securities Division of the  
Arizona Corporation Commission

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5  
6 ORIGINAL AND THIRTEEN (13) COPIES of the foregoing  
filed this 20<sup>th</sup> day of October, 2011, with

7 Docket Control  
8 Arizona Corporation Commission  
1200 West Washington  
9 Phoenix, AZ 85007

10 COPY of the foregoing hand-delivered this  
20<sup>th</sup> day of October, 2011, to:

11 ALJ Marc Stern  
12 Arizona Corporation Commission/Hearing Division  
1200 West Washington  
13 Phoenix, AZ 85007

14 COPY of the foregoing mailed  
this 20<sup>th</sup> day of October, 2011, to:

15 Bruce R. Heurlin, Esq.  
16 The Law Firm of  
HEURLIN SHERLOCK PANAH  
17 1636 N. Swan Road, Ste. 200  
TUCSON, ARIZONA 85712-4096  
18 Tel: 520.319.1200  
Fax: 520.3 19.1221

19  
20 By: Paul Huynh